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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,375	10/19/2005	Paul A. Stranieri	60469-237; OT-5255	3679
64779 7590 01/27/2009 CARLSON GASKEY & OLDS 400 W MAPLE STE 350 BIRMINGHAM, MI 48009				
EXAMINER				
COLON SANTANA, EDUARDO				
ART UNIT		PAPER NUMBER		
2837				
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01/27/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/553,375

**Applicant(s)**

STRANIERI ET AL

**Examiner**

Eduardo Colon-Santana

**Art Unit**

2837

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 19 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 10/19/2005  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Individual Patent Application  
6) ☒ Other: Detailed Action

**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 10/19/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 11-16 and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Masahiro Oka JP Patent No. 409142749 A.

Referring to claims 1, 13 and 15, Oka clearly discloses a call device for an elevator as claimed (see figure 1 and respective portions of the specification). Oka further depicts a call button (3) having a surface that is manually touchable to indicate a desired call. Furthermore, Oka clearly describes (although not depicted in the drawings) a responder that automatically provides tactile confirmation (vibration) of the desired call, wherein the vibration includes at least a portion of the call button (3) (See Abstract).

As to claims 2, 11, 12, 14, 16 and 19, Oka depicts a moveable member (call button 3) having a surface that is manually moveable to

indicate the desired call and placed on a selected surface in a building (Fig. 3) or in a elevator car (Fig. 6).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 3-9, 17, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable and obvious over Masahiro Oka in view of Jiyunji et al. JP Patent No. 409240939 A.

Referring to claims 3, 7, 17, 18, 20 and 21, Oka addresses all the limitations of claim 1 above, but does not explicitly describe that the responder comprises an automated mover being a vibrating motor. However, Jiyunji et al. discloses a call device in an elevator system for a physical impair person in which a surface (32) is manually touchable and includes a responder that includes an automated

mover (35) that includes a vibrating motor/generator (37) that automatically moves the surface (32) to provide a tactile confirmation (see Abstract). Since Oka and Jiyunji et al. are in the same field of endeavor regarding an elevator call button with tactile feedback, the purpose disclosed by Jiyunji would have been recognized in the pertinent art of Oka. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a vibration motor as taught by Jiyunji et al. within the teaching of Oka for the purpose/advantages that vibration motors are readily available and due to the extremely small distances and high-precision involved, it produces a frictional force between surfaces producing high vibration amplitudes that can be sensed by physical contact.

As to claim 4, Oka and Jiyunji discloses a housing (1 and A) respectively that would support the moveable member (call button) such that the moveable member is manually moveable relative to the housing in at least one direction.

Referring to claims 5 and 6, Jiyunji discloses that the automated mover moves the surface (32) relative to the housing. It would have been obvious as states above in claim 3, that the automated mover (37) can be provided to move the moveable member (call button) in different directions relative to the housing.

As to claim 8, Oka addresses that the call button (3) vibrates when pushed, however he does not explicitly describe that an automated mover moves responsive to a manual manipulation of the moveable member (call button). Nonetheless, as stated above, Jiyunji teaches the use

of an automated mover to provide tactile feedback to the surface (32), it would have been obvious to one of ordinary skill in the art that if the call button (3) vibrates as taught by Oka, one would be motivated to use the automated mover (vibration motor) on the moveable member (call button) when it is pushed.

Referring to claim 9, Oka discloses a controller (4), which determines when the moveable member (call button) has been moved (see Abstract).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable and obvious over Masahiro Oka in view of Juntunen et al. U.S. Patent No. 5,679,934.

Referring to claim 10, Oka addresses all the limitations of claim 1 above, but does not describe that the surface is capacitive. However, Juntunen et al. discloses a control panel (5) for an elevator car (see figure 1) having a touchscreen display (1) containing ordinary call buttons (7) (see Col. 2, lines 25-30). Additionally depicts from figure 3, a matrix using LED to receive and transmit information from the operating panel and further state that the scanning elements may be capacitive (see Col. 2, line 62 to Col. 3, line 10). Since Oka and Juntunen et al. are in the same field of endeavor regarding elevator call buttons, the purpose disclosed by Juntunen would have been recognized in the pertinent art of Oka. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a capacitive surface as taught by Juntunen within the teaching of Oka for the purpose/advantages that

having a capacitive surface would basically increase the tactile response since it's based on proximity (noncontact) and the dynamics of a continuous moving target, making it a high resolution measuring device.

**Conclusion**

5. The prior art made of record in form 892 and not specifically relied upon is considered pertinent to applicant's disclosure to further show the state of the art.

With regards to Liebetrau '939; Zaharia '626; Fukazawa JP'248; and Makino JP'274 all disclose the use of call buttons with a type of vibration motor for tactile feedback. Felder '471 discloses push buttons having capacitive sensors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Colon-Santana whose telephone number is (571)272-2060. The examiner can normally be reached on Monday thru Friday 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on (571) 272-2800 X.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eduardo Colon-Santana/  
Patent Examiner  
Art Unit 2837

/ECS/  
January 22, 2009  
/Walter Benson/  
Supervisory Patent Examiner, Art Unit 2837